

### **Internet Enrollment Program**

**Applicable to** – all licensed Natural Gas and Electric Suppliers, and registered Energy Agents, Energy Consultants, and Private Aggregators.

**Commencement** – September 1, 2000.

**Review Period** – Board Staff will review the program after 6 months of operation and make recommendations for modifications to the Program by June 1, 2001.

**Licensed Supplier Conditions –**

- 1) The means of all electronic enrollment, renewal, re-negotiation and cancellation information transfer between the customer and Supplier must be by an encrypted transaction, using Secure Socket Layer or a similar encryption standard to ensure privacy of customer information.
- 2) Any electronic agreement containing a Supplier's terms and conditions shall be identified by a version number in order to ensure the ability to verify the particular agreement to which the customer assents.
- 3) The pages of the Supplier's Internet site relating to the sale of electricity or natural gas in New Jersey and the information contained therein would be considered marketing materials and thereby be fully subject to the Board's marketing standards as set forth in N.J.A.C. 14: 4-3.4 and the Board's Interim Environmental Disclosure Standards.
- 4) The supplier's Internet site at which the customer enrollment authorization form is maintained would have to contain the full terms and conditions of the contract, consistent with the Board's current contract standards set forth in N.J.A.C. 14:4-3.6. During the Internet enrollment process, the customer shall be required to pass through a screen that contains the terms and conditions. The customer shall be directed to read the terms and conditions.
- 5) The Internet enrollment procedure shall prompt the customer to print or save the terms and conditions to which the customer assents.
- 6) The Supplier's Internet site must contain the environmental disclosure labels of the electricity product(s) offered to the customer, consistent with the requirements set forth in the Interim Environmental Disclosure Standards (and its successor). During the Internet enrollment process, the customer shall be required to pass through a screen that either contains the environmental disclosure information or prominently displays a link to a screen containing that information.
- 7) The Internet enrollment procedure shall require the customer to include, at a minimum, his/her name, service address, e-mail address, utility account number and meter number, where required by specific utilities to complete enrollment, as required by

the BPU, for switch validation to effectuate a sign-up. In addition, the Internet enrollment procedure shall require the customer to indicate that he/she has the authority to change electric suppliers for the account listed; that he/she has read, understands and agrees to the terms and conditions of the contract; and an explicit statement that he/she is voluntarily authorizing a switch in suppliers. The Supplier will retain such acceptance by the customer, in a retrievable format.

8) The Supplier must provide a mechanism by which the customer's acceptance of the terms and conditions is recorded by time and date.

9) The customer must receive a separate electronic message from the supplier acknowledging receipt of the enrollment.

10) In addition to any other BPU requirements, the Supplier shall provide to a customer enrolled via the Internet, an Internet means and/or an e-mail address for the customer to cancel the agreement, consistent with the terms of the agreement. If the agreement is canceled, the Supplier will provide the customer with a cancellation number.

11) In addition to any other BPU requirements, the Supplier shall comply with the provisions of the "Electronic Signatures in Global and National Commerce Act", (PL106-229) as a condition of retaining contracts and records electronically, including, but not limited to, the use of a conspicuous and visually separate consent obtained from the consumer, allowing the contract to be kept and made available in electronic form, a separate statement as to the hardware and software requirements for access to and retention of electronic records and an acknowledgement from the consumer that he/she has an affirmative obligation to provide the Supplier with any change in e-mail address or his/her withdrawal of consent for the electronic retention of contracts.

12) Upon request by the customer, the Supplier shall make available to the customer, throughout the duration of the agreement, a copy of the terms and conditions, including environmental disclosure label, of the agreement version number to which the customer assents. The Supplier must provide to the customer a toll-free telephone number, Internet means, or an electronic mail (e-mail) address for the customer to request this information throughout the duration of the agreement.

**Reporting** – Beginning October 10, 2000 (for data through the previous month), licensed gas and electric power suppliers will be required to report monthly, for each gas and electric service territory in which they are marketing, the cumulative number of customers switched as a result of Internet enrollments. Marketers without Internet enrollments do not have to file a report. All supplier specific information will be considered proprietary and kept confidential by the Board and its Staff. The Board and its Staff may release aggregate market data. With the concurrence of Board Staff and the Enrollment Working Group, reporting requirements may be modified to provide additional meaningful data.

Reports should be filed with the Secretary of the Board, with a copy to Peter Yochum, Chief, Planning & Research.

**Energy Agents, Energy Consultants and Private Aggregators** – The Internet may be used to obtain authorization for the release of customer usage data in the same manner and with the same requirements as those currently existing for written authorization. For

pre-enrollment release of customer data via Internet authorization, the Board will narrowly interpret its requirement that customers knowingly authorize release of their information.

Furthermore, in instances where the Energy Agent, Energy Consultant or Private Aggregator is acting on the behalf of a customer or customer group to effectuate enrollment with a Supplier, the Energy Agent, Energy Consultant or Private Aggregator will be responsible to the customer or customer group, and the Board, for Conditions (1), (2) and (4) - (13) above.

**Changes** – Modifications may be made from time to time, as the Board deems necessary.

Note: Consistent with currently-approved procedures in N.J.A.C. 14: 4-1.3(d), a supplier would still be required to retain records of the customer authorization, in this case the electronic enrollment submittal, for a period of at least three years and, in the event of a dispute, the supplier would still be required to produce the customer switch authorization within 3 business days of a request by the customer or the Board.

Consistent with currently-approved procedures in N.J.A.C. 14: 4-1.5, the utility would still be required to provide the customer, upon request, confirmation of the EDI change order from the supplier (applicable after EDI is implemented).

Consistent with currently-approved procedures, adopted by Board Order pursuant to N.J.A.C. 14:4-1.3 (c) and N.J.A.C. 14:4-1.5(b), the requested switch would still be subject to the separate 14 day “negative verification” process initiated by mail by the utility.